

HOUSE BILL No. 1517

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 3-11.5-1-1.1.

Synopsis: Municipal elections. Provides that a voter who resides in a municipality's buffer zone is entitled to vote for the elected officials of that municipality unless the municipality adopts an ordinance that surrenders the municipality's zoning jurisdiction in the buffer zone.

Effective: July 1, 2015.

Smith M

January 20, 2015, read first time and referred to Committee on Elections and Apportionment.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1517

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-5.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 5.8. "Buffer zone" refers to any part of:**
4 **(1) the unincorporated area that a municipality is permitted**
5 **to include within the municipality's comprehensive plan under**
6 **IC 36-7-4-205; or**
7 **(2) the territory located outside of a municipality's corporate**
8 **boundaries and that the municipality is permitted to include**
9 **in the joint district under IC 36-7-5.1-5.**
10 SECTION 2. IC 3-5-10 IS ADDED TO THE INDIANA CODE AS
11 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2015]:
13 **Chapter 10. Voters Residing in Buffer Zones**
14 **Sec. 1. This chapter does not apply to a municipality if the**
15 **municipality adopts an ordinance that provides that it will not**



1 exercise the municipality's jurisdiction under IC 36-7-4-205 or
2 IC 36-7-5.1-5 in its buffer zone.

3 **Sec. 2. A voter who resides in a municipality's buffer zone is**
4 **considered a voter of that municipality for purposes related to the**
5 **election of the municipality's elected offices.**

6 **Sec. 3. A voter described in section 2 of this chapter is entitled**
7 **to vote as follows in a municipal primary or a municipal election:**

8 **(1) If the county has established vote centers:**

9 **(A) at a vote center established for the municipal primary**
10 **or municipal election; or**

11 **(B) by absentee ballot.**

12 **(2) If the county has not established vote centers, by absentee**
13 **ballot.**

14 **Sec. 4. As provided in Article 6, Section 6 of the Constitution of**
15 **the State of Indiana, a voter who resides in a municipality's buffer**
16 **zone may not hold a local office in that municipality.**

17 SECTION 3. IC 3-10-6-1 IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This chapter applies to
19 municipal and school district elections in the following municipalities:

20 (1) All cities.

21 (2) Towns having a population of three thousand five hundred
22 (3,500) or more.

23 (3) Towns located entirely or partially within a county having a
24 consolidated city, regardless of their population.

25 (b) Prison inmates may not be counted in determining population
26 size for purposes of this chapter.

27 **(c) Except as provided in IC 3-5-10-1, a voter who resides in a**
28 **municipality's buffer zone is considered to be a voter of that**
29 **municipality for purposes related to the election of that**
30 **municipality's elected officers.**

31 SECTION 4. IC 3-10-7-1 IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This chapter applies to
33 municipal elections in towns having a population of less than three
34 thousand five hundred (3,500) that are not located entirely or partially
35 within a county having a consolidated city.

36 (b) Prison inmates may not be counted in determining population
37 size for purposes of this chapter.

38 **(c) Except as provided in IC 3-5-10-1, a voter who resides in a**
39 **town's buffer zone is considered to be a voter of that town for**
40 **purposes related to the election of that town's elected officers.**

41 SECTION 5. IC 3-11-1.5-4 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A county executive



shall establish precincts so that each boundary of each precinct does not cross the boundary of **any of the following**:

- (1) The state.
- (2) A county.
- (3) A township.
- (4) A district of the House of Representatives of the Congress of the United States.
- (5) A district of the senate of the general assembly. ~~or~~
- (6) A district of the house of representatives of the general assembly.
- (7) A buffer zone.**

SECTION 6. IC 3-11-1.5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. A precinct establishment order may not become effective during the following periods:

- (1) In a year in which a general election is held, the period beginning on the first day that a declaration of candidacy may be filed under IC 3-8-2-4 and ending the day following general election day.
- (2) For precincts located wholly or partially within a municipality **(including a buffer zone)**, after January 31 and before the day following municipal election day, in a year in which a municipal election is held.

SECTION 7. IC 3-11-10-12, AS AMENDED BY P.L.66-2010, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Except as provided in section 12.5 **or 12.7** of this chapter, each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open and in sufficient time to enable the precinct election boards to vote the ballots during the time the polls are open.

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

- (1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and
- (2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on



election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

- (1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and
- (2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

SECTION 8. IC 3-11-10-12.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 12.7. (a) This section applies to absentee ballots cast as provided by IC 3-5-10-3 in a municipal primary or a municipal election by a voter who resides in a municipality's buffer zone.**

(b) Notwithstanding section 12 of this chapter, the county election board shall count the absentee ballots described in subsection (a) using the procedures in IC 3-11.5 for counting absentee ballots at a central location, including the procedures for challenging absentee ballots.

(c) This section does not require a county election board to count absentee ballots not described in subsection (a) at a central location under this section or IC 3-11.5.

SECTION 9. IC 3-11-10-24, AS AMENDED BY P.L.225-2011, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:**

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
 - (A) a precinct election officer under IC 3-6-6;
 - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 - (C) a challenger or pollbook holder under IC 3-6-7; or
 - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls



are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is a member of the military or public safety officer.

(12) The voter resides in a municipality's buffer zone and is voting for that municipality's elected offices as provided by IC 3-5-10.

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:



- 1 (1) The name and residence address of the voter whose absentee
2 ballot is being delivered.
- 3 (2) A statement of the full name, residence and mailing address,
4 and daytime and evening telephone numbers (if any) of the
5 individual delivering the absentee ballot.
- 6 (3) A statement indicating whether the individual delivering the
7 absentee ballot is a member of the voter's household or is the
8 attorney in fact for the voter. If the individual is the attorney in
9 fact for the voter, the individual must attach a copy of the power
10 of attorney for the voter, unless a copy of this document has
11 already been filed with the county election board.
- 12 (4) The date and location at which the absentee ballot was
13 delivered by the voter to the individual delivering the ballot to the
14 county election board.
- 15 (5) A statement that the individual delivering the absentee ballot
16 has complied with Indiana laws governing absentee ballots.
- 17 (6) A statement that the individual delivering the absentee ballot
18 is executing the affidavit under the penalties of perjury.
- 19 (7) A statement setting forth the penalties for perjury.
- 20 (e) The county election board shall record the date and time that the
21 affidavit under subsection (d) was filed with the board.
- 22 (f) After a voter has mailed or delivered an absentee ballot to the
23 office of the circuit court clerk, the voter may not recast a ballot, except
24 as provided in section 1.5 of this chapter.
- 25 SECTION 10. IC 3-11.5-1-1.1, AS AMENDED BY P.L.266-2013,
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2015]: Sec. 1.1. This article applies to **the following:**
- 28 (1) A county subject to IC 3-11.5-4-0.5. **or**
- 29 (2) A county whose county election board, by unanimous vote of
30 the board's entire membership, has adopted a resolution under
31 IC 3-11.5-5-1 or IC 3-11.5-6-1.
- 32 **(3) A county that conducts a municipal primary or a**
33 **municipal election that includes absentee ballots cast by a**
34 **voter who resides in a municipality's buffer zone.**

